

Serial No.: 10/078,742

Art Unit: 2615

REMARKS**1. Present Status of Patent Application**

In response to the non-final Office Action dated January 23, 2006, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

2. Rejection of Claims Under 35 U.S.C. §103(a)

In the Office Action, claims 1, 4-8, 13-14, and 18-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fitch* (U.S. Patent No. 5,912,653) in view of *Lin* (U.S. Patent No. 4,965,705). Claims 2 and 10-12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fitch* in view of *Lin* in further view of *Brett* (U.S. Patent No. 3,41,216). Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fitch* in view of *Lin* in further view of *Kweon*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

As provided in independent claim 1, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion;

a rear portion, wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is worn inside at least part of the wearer's clothing, the front and rear portions being operable to communicate with one another; and

a means to secure the front and the rear portion in position on a wearer's clothing, the securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion.

(Emphasis added).

Serial No.: 10/078,742

Art Unit: 2615

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Fitch* in view of *Lin* is inadequate in teaching or suggesting at least "a means to secure the front and the rear portion in position on a wearer's clothing, the securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion," as recited in claim 1.

In response to Applicants prior remarks, the Office Action states that applicant argued against the references individually and "one cannot show nonobviousness by attacking references individually where the rejections are based on combination of references." Office Action, pages 2-3. With respect to this assertion, Applicants fails to appreciate how it is obvious to combine *Fitch* with *Lin*. *Fitch* teaches a garment with a flat panel color liquid crystal display embedded in the garment. *Fitch* teaches that the liquid crystal display is clamped in place by a slide lock fastener that is sewn into the garment and a second fastener that is bonded to an inner side of the garment. See col. 3, lines 4-15. *Fitch* further teaches that a GPS system is built into the garment to provide security against theft. See col. 4, lines 41-47. *Lin*, on the other hand, teaches an electronic badge that is clamped to a wearer's clothing using two pins that are engaged in two clips. See col. 2, lines 47-52. In considering the combination of references, the fastening mechanism taught by *Lin* seems to teach against the type of fastening mechanism that *Fitch* suggests should be used for its liquid crystal display. When *Fitch* is so obviously concerned with securing the liquid crystal display to a garment to protect the device and to prevent theft (e.g., sewing and bonding a lock fastener to the garment), it is not understood how a fastening mechanism taught by *Lin* is consistent with these objectives. Applicants respectfully submit that the proposed combination is not obvious and the rejection should be withdrawn.

b. Claims 2-12, 13-14, and 20-22

Because independent claim 1 is allowable over the cited art of record, dependent claims 4-9, 13-14, and 20-22 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 4-9, 13-14, and 20-22 contain all the elements and features of independent claim 1.

Further, the cited art of *Brett* and *Kweon* fail to cure the deficiencies of the *Fitch* and *Lin* references in suggesting or teaching all of the claimed features in claims 2, 3, and 10-12 (which depend from independent claim 1). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Fitch* in view of *Lin* in further view of *Brett* has not

Serial No.: 10/078,742

Art Unit: 2615

been made with regard to claims 2 and 10-12, and a *prima facie* case establishing an obviousness rejection by the proposed combination of *Fitch* in view of *Lin* in further view of *Kweon* has not been made with regard to claim 3. Therefore, the rejections of claims 2, 3, and 10-12 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 2-12, 13-14, and 20-22, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

For example, with regard to claim 5, *Fitch* appears to teach at most a liquid crystal display (LCD) embedded into a garment. The liquid crystal display is disclosed to be an output device that can display digital and analog video signals. Accordingly, the liquid crystal display is not disclosed to be an image capture means. While *Fitch* does suggest that inputs from an analog video storage device may be selected for display on the liquid crystal display, where a video camera 40, video recorder 38, and video tuner 36 are mentioned as video storage devices, *Fitch* clearly states that "these three storage devices are optional accessories and are external to the jacket." See col. 3, lines 34-44 and col. 4, lines 17-20. Therefore, *Fitch* in view of *Lin* fails to teach or suggest claim 5.

c. Claim 18

As provided in independent claim 18, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion and

a rear portion, *wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin that penetrates the wearer's clothing and fixes the front and rear portions in place.*

(Emphasis added).

Applicants respectfully submit that independent claim 18 is allowable for at least the reason that *Fitch* in view of *Lin* is inadequate in teaching or suggesting at least the feature

Serial No.: 10/078,742
Art Unit: 2615

"wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin that penetrates the wearer's clothing and fixes the front and rear portions in place," as recited in claim 18.

In response to Applicants prior remarks, the Office Action states that applicant argued against the references individually and "one cannot show nonobviousness by attacking references individually where the rejections are based on combination of references." Office Action, pages 2-3. With respect to this assertion, Applicants fails to appreciate how it is obvious to combine *Fitch* with *Lin*. *Fitch* teaches a garment with a flat panel color liquid crystal display embedded in the garment. *Fitch* teaches that the liquid crystal display is clamped in place by a slide lock fastener that is sewn into the garment and a second fastener that is bonded to an inner side of the garment. See col. 3, lines 4-15. *Fitch* further teaches that a GPS system is built into the garment to provide security against theft. See col. 4, lines 41-47. *Lin*, on the other hand, teaches an electronic badge that is clamped to a wearer's clothing using two pins that are engaged in two clips. See col. 2, lines 47-52. In considering the combination of references, the fastening mechanism taught by *Lin* seems to teach against the type of fastening mechanism that *Fitch* suggests should be used for its liquid crystal display. When *Fitch* is so obviously concerned with securing the liquid crystal display to a garment to protect the device and to prevent theft (e.g., sewing and bonding a lock fastener to the garment), it is not understood how a fastening mechanism taught by *Lin* is consistent with those objectives. Applicants respectfully submit that the proposed combination is not obvious and the rejection should be withdrawn.

1. Claim 19

As provided in independent claim 19, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion and
a rear portion, wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and

BEST AVAILABLE COPY

Serial No.: 10/078,742
Art Unit: 2615

rear portions are operable to communicate electrically with one another, in which the front portion is secured to the rear portion and to the wearer's clothing by mating the front portion that is outside of the wearer's clothing with the rear portion that is inside the wearer's clothing via a securing means.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Fitch* in view of *Lin* is inadequate in teaching or suggesting at least the feature of "wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, in which the front portion is secured to the rear portion and to the wearer's clothing by mating the front portion that is outside of the wearer's clothing with the rear portion that is inside the wearer's clothing via a securing means," as recited in claim 19.

In response to Applicants prior remarks, the Office Action states that applicant argued against the references individually and "one cannot show nonobviousness by attacking references individually where the rejections are based on combination of references." Office Action, pages 2-3. With respect to this assertion, Applicants fails to appreciate how it is obvious to combine *Fitch* with *Lin*. *Fitch* teaches a garment with a flat panel color liquid crystal display embedded in the garment. *Fitch* teaches that the liquid crystal display is clamped in place by a slide lock fastener that is sewn into the garment and a second fastener that is bonded to an inner side of the garment. See col. 3, lines 4-15. *Fitch* further teaches that a GPS system is built into the garment to provide security against theft. See col. 4, lines 41-47. *Lin*, on the other hand, teaches an electronic badge that is clamped to a wearer's clothing using two pins that are engaged in two clips. See col. 2, lines 47-52. In considering the combination of references, the fastening mechanism taught by *Lin* seems to teach against the type of fastening mechanism that *Fitch* suggests should be used for its liquid crystal display. When *Fitch* is so obviously concerned with securing the liquid crystal display to a garment to protect the device and to prevent theft (e.g., sewing and bonding a lock fastener to the garment), it is not understood how a fastening mechanism taught by *Lin* is consistent with these objectives. Applicants respectfully submit that the proposed combination is not obvious and the rejection should be withdrawn.

Serial No.: 10/078,742
Art Unit: 2615

3 Newly Added Claim

Claim 23 has been newly added and is believed to be allowable over the cited art for at least the reason that the cited art fails to teach or suggest "wherein the image capture means is triggered to capture an image in response to detecting laughter." Accordingly, Applicants respectfully request allowance of claim 23.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Charles W. Griggers, Reg. No. 47,283

REST AVAILABLE COPY